



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

August 23, 2023

Re: FOIA Request NLRB-2023-001940

Dear Jason Craig (Wright, Finlay & Zak, LLP):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on August 15, 2023, in which you initially sought “copies of all non-public documents in case 28-CA-262356 [including] the 6/26/2020 Signed Charges Against Employer, the 6/30/2020 Initial Letters to Charging Party, the 11/30/2020 Consolidated Complaint, the 12/11/2020 Answer, the 1/21/2021 Order Transferring Cases, the 1/26/2021 Order Transferring Cases, the 1/28/2021 RD Order to Reschedule Hearing, the 4/21/2021 RD Order, and the 7/19/2021 Post-Hearing Brief to RD.” You assumed financial responsibility for the processing of your request in the amount of \$300.00.

We acknowledged your request on August 15, 2023. In a telephone conversation with a member of the FOIA staff on August 22, 2023, you confirmed you were specifically seeking the records listed in your request as those were the records not made publicly available on the Agency case page. You also agreed to exclude the “7/19/2021 Post-Hearing Brief to RD” after you were informed it was a duplicate of the Charged Party’s Post-Hearing Brief to ALJ filed on July 19, 2021, which is hyperlinked and available for download on the Agency’s case page.

A search of the Agency’s electronic casehandling system, NxGen, has been conducted. This search located the requested records (28 pages) from the case file for *Southwest Regional Council of Carpenters*, Case No. 28-CA-262356, which are attached. No information has been redacted or withheld from the records. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v).

Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Thirty minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$18.50.

Payment Instructions: We are no longer accepting checks or money orders as payment. To submit payment for your FOIA request, please use www.pay.gov. From the www.pay.gov home page, scroll down to the bottom left corner to select “Pay a FOIA Request.” Click “See all options” and go to “Filter By Agency” to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact William T. Hearne, the FOIA Attorney-Advisor who processed your request, at (202) 273-0139 or by email at william.hearne@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov

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Telephone: (202) 741-5770

Toll free: (877) 684-6448

Fax: (202) 741-5769

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (28 pages)